IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CENTRAL EXCISE APPEAL NO.32 OF 2005

The Commissioner of Central Excise ..Appellant.

V/s.

M/s.Emmes Metals Ltd. ..Respondent.

Mr.R.V.Desai, Sr.Counsel for appellant.

Ms.Aparna H. i/b. M.H.Patil for respondent.

CORAM : Dr.S.RADHAKRISHNAN & J.P.DEVADHAR, JJ.

DATED : 9TH JANUARY, 2006.

P.C. :-

. Heard learned counsel for the appellant and the respondent. The learned counsel for the appellant seeks leave to withdraw the appeal with liberty to seek remedy in appropriate forum. Hence the appeal is allowed to be withdrawn and dismissed as such with no order as to costs with the aforesaid liberty.

(Dr.S.RADHAKRISHNAN, J.)

(J.P. DEVADHAR, J.)